

REMARKS

This responds to the Office Action dated July 29, 2003.

The Abstract has been amended in accordance with the requirement of the Examiner.

CLAIM REJECTIONS – 35 U.S.C. 112

Claims 6 and 8 were rejected as being indefinite because the claims required that the sheath surround the structural frame or the sheath extend about the frame. Claims 6 has been amended so that claim 6 specifies that the structural frame surrounds the sheath, and claim 8 has been amended to recite that the sheath is affixed to the elongated flexible support member.

Claim 1 was rejected as indefinite because claim 1 recites the limitations of “the uncoiled position” and “the inner surface” in lines 15 and 17. At the suggestion of the Examiner, the expression “the” has been changed to --an--in both clauses.

CLAIM REJECTIONS – 35 U.S.C. 103

Claims 1, 4, 5, 7 and 9 were rejected under § 103(a) as being unpatentable over Clouse in view of Lam.

With regard to claim 1, the Examiner indicated in the Response to Arguments as follows:

In response to applicant's argument that the references failed to show certain features of applicant's invention, as required by claim 1, it is noted that the features upon which applicant relies (i.e., the device can be positioned with the ring stents displaced from the intersecting artery or from the aneurysm so as to avoid obstruction of blood flow or to avoid the application of excessive stress against the wall of the vessel) are not recited in the rejected claim(s).

Claim 1 has been amended to include the language recited above:

1. ---- said support rods being attached to the tubular sheath for at least a portion thereof;
a plurality of expandable ring stents longitudinally displaced from each other internally of said tubular sheath for displacement from an intersecting artery or from an aneurysm to avoid obstruction of blood flow or to avoid the application of excessive stress against the wall of the vessel; ---.

Since claims 2-7 depend from claim 1, these claims include the same limitations.

Independent claim 8 was not rejected on prior art but only as being indefinite under § 112.

With regard to claim 9, the Examiner stated in the Response to Arguments as follows:

The way claim 9 is currently written, it is not required that the elongated flexible support members be expanded by the balloon expanded ring stents, but only that the ring stents are structurally capable of expanding them.

Claim 9 has been amended to include this language:

9. --- said ring stents and said elongated flexible support members are configured so that the elongated flexible support members are expanded by the balloon-expanded ring stents in response to the inflation of a balloon catheter to various diameters for causing said device to engage an irregularly shaped vessel, and ---.

Applicant submits that the claims have been amended as suggested by the Examiner and they adequately read over the applied prior art.

RULES 116(b) AND (c)

Rule 116(b) states that:

After final rejection or other final action--amendments may be made canceling claims or complying with any requirement of form expressly set forth in the previous Office Action. Amendments presenting rejected claims in better form for consideration on appeal may be admitted.--.

Rule 116 (c) states that:

If amendments touching the merits of the application --- are presented after final rejection, or after appeal has been taken, or when such amendment might not otherwise be proper, they may be admitted upon a showing of good and sufficient reasons why they are necessary and were not earlier presented.

Applicant submits that applicant has complied with the requirements of form as presented in the Final Action, and that applicant could not have presented the accompanying amendments prior to the rejection, comments and recommendations made in the Final Action by the Examiner. Accordingly, applicant submits that this amendment is in compliance with Rules 116(b) and (c).


SUMMARY

It is submitted that all of the claims should now be in condition for allowance.

This application is under Final Action. The claims of the application have been amended directly in response to the Examiner's rejections as to form and substance. The language of the Examiner has been adopted and the case should now be in condition for allowance.

Favorable reconsideration of the application is courteously solicited.

Respectfully submitted,

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